

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERTO LIZARRAGA,

Defendant.

) Magistrate Case No. 07-07-1514

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

) Title 8, U.S.C. Secs. 1324(a)(1)(A)(ii) and (v)(II)

) - Transportation of Illegal Aliens; DEPUTY

) Title 18, U.S.C., Sec. 2 - Aiding and Abetting

ORDERED SEALED BY COURT
UNSEALED AS OF 9/20/07

The undersigned complainant, being duly sworn, states:

On or about February 1, 2006, within the Southern District of California, defendant GILBERTO LIZARRAGA, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Antonio Berber-Higuera, Horacio Garcia-Raya, Miguel Hererra-Lopez and Yolanda Zarate-Romero, had not received prior official authorization to come to, enter and reside in the United States, with the intent to violate the immigration laws of the United States, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v)(II) and Title 18, United States Code, Section 2.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



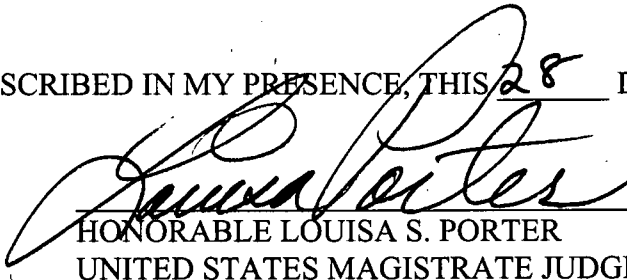
H. KEITH JOHNSON, III

Special Agent

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28 DAY OF
JUNE 2007.



HONORABLE LOUISA S. PORTER
UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

On or about February 1, 2006, Oceanside Police Department was called to investigate a vehicle that was illegally parked in the Oceanside area. Officers discovered at least four individuals, including Antonio Berber-Higuera, Horacio Garcia-Raya, Miguel Hererra-Lopez, and Yolanda Zarate-Romero, who were hiding inside the Dodge pickup truck. Border Patrol agents were contacted and later determined that Antonio Berber-Higuera, Horacio Garcia-Raya, Miguel Hererra-Lopez, and Yolanda Zarate-Romero were all Mexican citizens with no legal right to enter or reside in the United States.

On September 29, 2006, agents interviewed defendant GILBERTO LIZARRAGA. At that time, LIZARRAGA admitted that he transported the aforementioned illegal aliens (Antonio Berber-Higuera, Horacio Garcia-Raya, Miguel Hererra-Lopez, and Yolanda Zarate-Romero) who were found inside his Dodge pickup truck on February 1, 2006. LIZARRAGA further said that, once he realized that law enforcement officers found illegal aliens concealed inside his Dodge pickup truck, he fled the scene to avoid apprehension.

Based on these facts, there is probable cause to believe that defendant GILBERTO LIZARRAGA transported illegal aliens within the United States in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii) and (v)(II), and aiding and abetting in violation of Title 18, United States Code, Section 2.